

FEE WAIVER REIMBURSEMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jack R. Draxler

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill establishes state reimbursement of school fee waivers.

Highlighted Provisions:

This bill:

- ▶ establishes state reimbursement of school fee waivers;
- ▶ requires the State Board of Education to adopt administrative rules;
- ▶ prescribes conditions for school districts and charter schools to receive the reimbursement; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2007.

Utah Code Sections Affected:**AMENDS:****53A-12-103**, as last amended by Chapter 119, Laws of Utah 2005

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53A-12-103** is amended to read:**53A-12-103. Waiver of fees.**

(1) (a) A local school board or charter school governing board shall require, as part of an authorization granted under Section 53A-12-102, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.

(b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

(ii) If the student or the student's parent or guardian is financially unable to pay the fee, the board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, or death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

(iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.

(2) (a) ~~[The board shall require each]~~ Each school ~~[in the district]~~ that charges a fee under this chapter ~~[to]~~ shall provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.

(b) The local school board or charter school governing board shall develop and provide a list of alternatives ~~[for the schools]~~, including such options as allowing the student to provide:

(i) tutorial assistance to other students;

(ii) assistance before or after school to teachers and other school personnel on school related matters; and

(iii) general community or home service.

(c) Each school may add to the list of alternatives provided by the board, subject to approval by the board.

(3) A local school board or charter school governing board may establish policies providing for partial fee waivers or other alternatives for those students who, because of extenuating circumstances, are not in a financial position to pay the entire fee.

(4) With regard to children who are in the custody of the Division of Child and Family Services who are also eligible under Title IV-E of the federal Social Security Act, a local school ~~[boards]~~ board or charter school governing board shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

(5) (a) The State Board of Education shall reimburse a school district or charter school for the actual cost of fee waivers granted to eligible students in grades seven through twelve pursuant to this section, except that the reimbursement amount per eligible student may not exceed the fee waiver schedule amount in place in that school district or charter school at the beginning of the 2006-07 school year.

(b) A school district or charter school may only receive a reimbursement under this Subsection (5) if the school district or charter school complies with rules adopted pursuant to Subsection (6).

~~[(5)]~~ (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) requiring a parent or guardian of a student applying for a fee waiver to provide documentation and certification to the school verifying:

(i) the student's eligibility to receive the waiver; and
(ii) that the alternatives for satisfying the fee requirements under Subsection (2) have been complied with to the fullest extent reasonably possible according to the individual circumstances of both the fee waiver applicant and the school; ~~[and]~~

(b) specifying the acceptable forms of documentation for the requirement under Subsection ~~[(5)]~~ (6)(a), which shall include verification based on income tax returns or current pay stubs~~[-]~~;

(c) specifying procedures for the application for and distribution of funds under Subsection (5); and

(d) requiring that a school district or charter school receiving funds pursuant to this section:

(i) classify revenues collected and expended at the school level in accordance with a uniform chart of accounts;

(ii) separately identify revenues from fees;

(iii) separately identify how revenues from fees are expended;

90 (iv) report revenues collected and expended at the school level:
91 (A) to the state superintendent, for inclusion in the annual report of the state
92 superintendent provided by Section 53A-1-301; and
93 (B) as part of the annual audit report required under Section 51-2a-201; and
94 (v) fully allocate reimbursement funds to affected schools in proportion to the amount
95 of fee waivers granted.

96 ~~[(6)]~~ (7) Notwithstanding the requirements under ~~[Subsection (5)]~~ Subsections (6)(a)
97 and (b), a school is not required to keep documentation on file after the verification is
98 completed.

99 Section 2. **Effective date.**

100 This bill takes effect on July 1, 2007.

Legislative Review Note

as of 1-4-07 10:57 AM

Office of Legislative Research and General Counsel

H.B. 101 - Fee Waiver Reimbursements

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will require an appropriation of \$3,765,300 in ongoing Uniform School Fund revenues to the State Board of Education for distribution to local school districts and charter schools impacted by student fee waivers.

	FY 2007 <u>Approp.</u>	FY 2008 <u>Approp.</u>	FY 2009 <u>Approp.</u>	FY 2007 <u>Revenue</u>	FY 2008 <u>Revenue</u>	FY 2009 <u>Revenue</u>
Uniform School Fund	\$0	\$3,765,300	\$3,765,300	\$0	\$0	\$0
Total	\$0	\$3,765,300	\$3,765,300	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals and businesses. Districts which waive fees will receive a reimbursement of waived fees for grades seven through twelve. Local districts may also be impacted in the implementation and tracking of this program.

1/18/2007, 12:41:44 PM, Lead Analyst: Schoenfeld, J.D.

Office of the Legislative Fiscal Analyst